



**UNITED STATES DISTRICT COURT DISTRICT  
EASTERN DISTRICT COURT OF VIRGINIA  
(RICHMOND DIVISION)**

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**Andrew Chien: Pro Se Plaintiff**  
**-against-**  
**Defendants:**  
**Hon. Henry E. Hudson**  
**Pamela S. Karlan**  
 -----

**CIVIL ACTION NO:** 3:21cv286

**April 26, 2021**

**COMPLAINT**

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## I. Summary of Action

1. Plaintiff Andrew Chien ("Chien"), appearing as pro se, filed the Complaint following the facts and belief to allege the court fraud in the violation of due process of Amend XIV, bias and prejudice at Chien, committed by Hon. Henry E. Hudson (Hon. Hudson) in the four cases: 3:13cv540 - Chien vs. Freer et al.; 3:19cv 135-Chien vs .LeClairRyan et al; 3:19 cv 235-Chien v. Timothy J. Hauler et al; 3:19cv 814- Chien v LeClair et al., at Chien's claim of liberty, blackmail, and racketeering with bank-fraud This case should read in combination with facts and law in the associated four cases, because more facts and law not included here.

Chien is Asia-American whose cases contained significantly judicial corruption of VA State wide for racketeering with bank fraud by abused police force. As detailed later, Chien never has criminal records, but was a secret inmate in VA for 1148 days, about 38 months. How can hold an innocent citizen as a secret inmate in current peaceful environment? This is notorious human right violation, even for a convinced person, condemned by United Nation including U S government.

Defendant Pamela S. Karlan (Ms. Karlan), Principal Deputy Assistant Attorney General, Civil Rights Division, Department of Justice, will pay attention to these cases. On 2/16/2021, she made public statement regarding to concern the hate of Asia -American. Chien believes that Chien's cases are white-color criminal hate against Asia-American. Due to 18USC§3293, the Government has ten years of period to prosecute racketeering carrying bank fraud. If this complaint can cause her attention, the government has enough time to take necessary action.

This complaint is for declaration relief to disclose the court fraud of Hon. Hudson with consequence to conceal the judicial misconduct of defendants in pending Chien's cases, and make Chien till today, no recovery of his business and losses of his professional belongings.

Chien will mention third parties such as China Bull Management Inc (ticker: CHBM), and shareholders, and others, because Chien has fiduciary duty for the loss of their properties, which doesn't mean that Chien represents any of them,

## II. Parties

2. Plaintiff: Andrew Chien, 665 Ellsworth Avenue, New Haven, CT 06511, Tel:203-5628899; Email: jcs23@yahoo.com.

3. Defendants (a) Hon. Henry E. Hudson, District Court for Eastern District of VA, Richmond Division, 701 East Broad Street, Richmond, VA 23219-3528.

(b) Pamela S. Karlan, Civil Rights Division, Department of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001.

## III. Jurisdiction and Venue

4. This court has both subject matter over all defendants due to "28USC §1331", "28USC §1367" of supplemental jurisdiction. This Court has personal jurisdiction over Hon. Hudson, and the venue is proper because he regularly works here. This Court has personal jurisdiction over Ms. Karlan, and the venue is proper because there are several branches of Department of Justice locate in VA with regular work under leadership of Ms. Karlan.

## IV. Brief of the Case

5. Chien has been a victim of Racketeer Influenced and Corrupt Organization ("RICO"), 18USC§§1961-1968, since 2012 till today. But the enterprises of racketeering are both the Chesterfield County Circuit Court of VA, and former LeClairRyan law firm, which are great force of the VA judicial system, while Chien is an Asia-American, not an attorney, a weak racial group of the society, and suffered consistently bias and prejudice by Hon. Hudson.

Part 1. Prolonged Incarceration under Civil Dispute is Crime of Conspiracy  
to Commit Felony Including Extortion, and Racketeering

6. Chien was a secret inmate until 06/27/2016 for 1148 days (about 38 months). First arrest was on 02/28/2013, released on 03/02/2013. Second arrest was on 05/08/2013, released on 06/27/2016. The over three years of incarceration are seriously criminal punishment. But unfortunately, there are no public records of Chien's arrests and incarceration, such as VA Police Records, VA Department of Corrections, FBI etc. If you go through search engine of public records: [www.truthfinder.com](http://www.truthfinder.com); [instantcheckmate.com](http://instantcheckmate.com); [www.publicrecordsOfficial.com](http://www.publicrecordsOfficial.com), [seekverify.com](http://seekverify.com) etc., you will not find any records of Chien ever being arrested or imprisoned. On 6/28/16 the next day after Chien released, Chien visited Richmond Office of FBI, the employees of FBI told Chien there was no records of being ever arrested or imprisoned in VA.

7. Chien's incarceration was due to "civil contempt", not "civil court contempt" no any of the judge's order, no conviction. Alternatively, Chien's incarceration was fully for the special interests of private party by abused police force for retaliation, tort, and racketeering for money laundering from the bank, operated in conspiracy, then the private party wrongly occupied Chien's professional belongings and assets of non-parties which were under Chien's custody without a list, a penny payment and return, further to fabricate the documents of Chien controlled corporation for falsified corporation identity and bank fraud. Generally, Chien lost fundamental human right of both liberty and property under organized enterprises of racketeering.

8. We are top-ranking democracy country. U S Department of the State announced Human Rights and Democracy policy:

The protection of fundamental human rights was a foundation stone in the establishment of the United States over 200 years ago. Since then, a central goal of U.S. foreign policy has been the promotion of respect for human rights, as embodied in the Universal Declaration of Human Rights.

The Department of State has Bureau of Democracy, Human Rights, and Labor to monitor human right in the world to publish annual report to promote the human right. Chien's cases in VA

are against U S Human Rights and Democracy policy.

9. Holding secret inmate is the fully destruction of the fundamental human rights, only available in dictator society, or slavers in the society. Here, people's liberty is protected by authority of Amend IV and due process of Amend V & XIV, "18 USC § 4001(a)" and "42USC 1983" for civil right. The transparency of the criminal system is required for public to monitor the system for fairness. In Chien's case, there is no transparency which created judicial misconduct. For example, the speed trial specified that within 3 days (72 hours) without conviction, the extended incarceration offends the civil right. But the rule is notoriously broken in Chien's case. The illegal incarceration for 1148 days, is 1148 times of violation of due process of the constitution, and "42USC 1983" for civil right.

10. The false imprisonment is tort, VA Code "§18.2-59", with both assault and property theft including bank fraud. The period is very long to violate the standard criminal procedure, which affirmed the conspiracy and offended both "18USC §241 & §242" to abuse police force by conspired against, and deprived of Chien's constitution right under color of law. US Department of Justice's website ([www.justice.gov/crt/deprivation-rights-under-color-law](http://www.justice.gov/crt/deprivation-rights-under-color-law)) in section of Deprivation of Rights Under Color of Law, explains "18USC§242":

"For the purpose of Section 242, acts under "color of law" include acts not only done by federal, state, or local officials within their lawful authority, but also acts done **beyond the bounds of that official's lawful authority**, if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties. Persons acting under color of law within the meaning of this statute include **police officers**, prison guards and other law enforcement officials, as well as judges, care providers in public health facilities, and **others who are acting as public officials**. It is not necessary that the crime be motivated by animus toward the race, color, religion, sex, handicap, familial status or national origin of the victim." ("emphases added")

## Part 2. Private Lawyer Controlled Operation of Chesterfield County Circuit Court

11. All Chien's incarceration process controlled by attorneys of LeClairRyan, under ghost-written orders for William K Grogan ("Grogan"), a private lawyer, sometimes working as

Commissioner in Chancery of Chesterfield County Circuit Court. VA's Commissioner in Chancery is totally different from judge of the Chancery Court of Delaware State. Grogan's job limited to investigation of the civil cases assigned by the Judge, VA Code §8.01-607 &608.

More VA Codes limited the authority of Grogan:

§8.01-247 When action on contract governed by the law of another state or country barred in Virginia". (*VA debt collection illegal because CT has consistently acted.*)

§8.01-506C Motion Procedure required before initiation of VA Debt. Interrogatories. False affidavit deserved punish of Class 1 of Misdemeanor. (*no motion existing*)

§8.01-506D&E: Commissioner in Chancery reports; Venue convenient for debtor.

§8.01-507& 507.1 Commissioner in Chancery making report for sale.

§8.01-509: Debtor property sale determined by the Court.

§8.01-609: Commissioner in Chancery follows Rules of Court.

§ 8.01-610: Chancery's report lower authority then the Court's.

§8.01-612: Arrest & Imprison punish solely by the Court. *Here, there is no motion procedure for Chien's arrest and incarceration, no judge involvement.*

§8.01-615: The Court determines debtor property sale.

§8.01-617. §8.01-618.1; Commissioner in Chancery acted as receiver, must be assigned by the Court, and *his income must be approved by the Court. Here Grogan together with Clark to steal the cash of CHBM from the bank with concealment to the court.*

§15.2-836, department of law enforcement listed members, not including Commissioner in Chancery.

"§18.2-174. Impersonating law-enforcement officer; penalty". Grogan offended by impersonating as a judge on 05/07/2014 to issue order of incarceration for assets.

§18.2-7 Criminal act not to merge civil remedy.

§18.2-456, §18.2-457, Court contempt with maximum \$250 penalty or ten days imprisonment if without jury-impaneled.

§ 19.2-5 Judge definition, not including Commissioner in Chancery.

§19.2-129, court contempt is sentence.

12. Grogan solicited by lawyer Andrew K Clark (“Clark”) to initiate VA Debt Collection, which is the conspiracy of white-collar criminal to fabricate “likely legal” excuse because they concealed that the debt collection has been active since 09/26/2012 in Connecticut Superior Court, Judicial District of New Haven (“CT Local Court”) under Case: NNH-CV12-4053717-S. The CT Local Court awarded Freer twice of the cash from Chien’s bank account, didn’t find any of Chien’s hidden assets. The CT Local Court knew that there were two bank accounts of corporations: China Bull Management Inc (ticker “CHBM”), and USChina Venture III which were irrelative to Chien’s personal debt, not in the scope of debt collection.

13. Freer at Mr. Clark filed Form for VA Interrogatories, and Grogan issued order on 1/4/2013 which was no motion procedure and no records in the docket of Case CL.12-485 of Chesterfield County Circuit Court. The preside judge, Hon. Frederick G Rockwell III (“Hon. Rockwell”) who was Chief Judge before 2015, didn’t know that. Later, Clark controlled Grogan operation by violating VA Code §8.01-612 without approval of any judge, to issue Capias order on 02/25/2013, and arrested Chien on 2/28/2013 when Chien attended hearing of the chapter 11 of Commonwealth Biotechnologies Inc. (“CBI”). Grogan under conspiracy with attorneys of LeClairRyan without report and motion procedure, made objective of the justice to abuse the police force without the authority of judge, offenses of “18USC §241 & §242”.

14. To use criminal punishment in debt collection violated Fair Debt Collection Practices Act (“FDCPA”) “15USC§1692.d(1)” and this violation is serious. If the Government had taken

action, it should have money penalty for the debt collector, of \$16000 for every day as mentioned in Case: Jerman v Carlisle et al., 130 S.Ct. 1605,1609 (2010). Grogan is agency of the court, classified as a debt collector, deserved the penalty from Case Pollice v. National Tax Funding, LP, 225 F. 3d 379, 406, Court of Appeals, 3rd Circuit in year 2000.

15. The debt collection was a deceiving shield to conceal acts of RICO for bank fraud, because after 38 months of illegal incarceration and occupied all documents and assets originally located in Chien's CT office, the debt collectors didn't find any hidden assets. They just used the excuses under abuse police force, to destroy Chien's personal life and business for retaliation.

16. Grogan in conspiracy with attorneys of LeClairRyan, publicly overrode the authority of Hon. Rockwell, at least for seven times.

(a) After Hon. Rockwell learned that VA Debt Collection initiated without his knowledge, he planned the debt interrogatories held by the Court on May 31, 2013 as shown in the letter of deputy clerk Elizabeth Brown sent to Chien on March 22, 2013. But despite of the court's action, Grogan together with Clark, still detained Chien by ignorance, then Hon. Rockwell cancelled the debt interrogatories.

(b) On 5/31/2013 hearing, Hon. Rockwell in front of Chien, Freer and Clark, verbally rejected endorsing Grogan's incarceration order which Clark prepared for Grogan. But Mr. Clark still manipulated Grogan to sign that order on 6/19/2013 by cancel the charge of "civil court contempt" only kept incarceration reason for assets. In later other Grogan's orders, Mr. Clark used "civil contempt". Obviously, they can freely use criminal punishment in civil case.

(c) There were five written notices/orders to Grogan regarding VA Debt Collection no jurisdiction. Hon. Rockwell wrote three letters dated 6/12/2014, 6/25/2014 (this letter served to both Grogan and Mr. Clark), 10/21/2015 respectively. Additional two were delivered by the

chamber members of Hon. Rockwell.

(d) Under objection of Hon. Rockwell, Grogan issued 12 orders: two CAPIAS orders dated 02/25/2013 and 03/19/2013, and six orders of indefinitely incarcerating for assets of third parties, dated 05/10/2013, 06/19/2013, 05/07/2014, 06/06/2014, 03/19/2015 and 08/31/2015, and four orders for assets dated 01/04/2013, 03/02/2013, 02/18/2014, 10/31/2014 respectively. The 12 orders offended one of class 1 of misdemeanor and 11 times of Class 6 Felony.

17. Grogan arranged by then alternative clerk Ms. Mary Craze, sat in the courtroom, wearing Judge robe, impersonated self as a judge to sign the order, dated 05/07/2014 with term to definitely incarcerate Chien for submitting the professional belongings and assets of non-parties under Chien's custody, which was to abuse police force with false official identity, further supporting the allegations of offenses "18USC §241 & 242".

18. Since all of Grogan's indefinitely incarceration orders were ghost-written or reviewed by attorneys of LeClairRyan, such as Andrew K Clark ("Clark"), etc. Since Chien's false imprisonment is crime of both assault and theft. Therefore, Grogan, Clark and other offended "18USC §373(a)- Solicitation to commit a crime of violence."

### Part 3. Headquarter of LeClairRyan Replaced the Court Room for Hearing

19. LeClairRyan used their office as place for hearing to aid Grogan's orders of indefinitely incarcerate. There were two hearings held in the headquarter of LeClairRyan, dated 06/30/2014 and 04/24/2015. In the process, Chien was embarrassed and discriminated by hand-cuffed and shackling in whole session, performed by police, suffered the brutalizing treatment in the hearing, which is not allowed, because Chien didn't have conviction and should enjoy the equal protection in hearing with dignity of every citizen. Further, since the office building located in commercial streets, police cars were parked in the garage of the building where dozens of

organizations including LeClairRyan occupied with many persons walking around. Chien was embarrassed by walking in front of public with hand-cuffed, shackling and inmate garbs escorted by police before entering or back from the upstairs office. This is evidence that the top managers of LeClairRyan, listed in Case 3:19CV814, instructed and managed their employees to engage acts of RICO with bank fraud.

20. In addition to the headquarter of LeClairRyan, Grogan's office located in downtown area of Richmond, frequently used for hearing and trial, then issued the indefinitely incarceration "sentences", which is additional evidence of private lawyer replaced judge to control the operation of the criminal procedure. Every hearing caused Chien's public embarrassment, suffered the brutalizing treatment of the police in the hearing.

**Part 4. Behind Secret Inmate-Brutalizing Police Force for Retaliation,  
Fabricating Documents. Money Laundering, Stealing Assets of Non-Parties**

21. Chien attended 05/08/2013 hearing of CBI chapter 11, and discovered and verbally objected the Motion filed by Christian K Vogel ("Vogel"), Clark and LeClairRyan on 4/26/2013 with intention to embezzle additional about \$35,000 from CBI to pay Freer's personal legal fee in Chien's another counter suit of District Court of CT, under case: 3:12CV01378(AWT). On that hearing, Hon. Judge Huennekens told Chien any objection should be in writing. Due to the rule, the deadline for submission objection was on 5/20/2013. Then Clark and Freer after Chien's arresting, manipulated Grogan for solitary confining for 72 hours in a small cell without window, prohibiting from reading and writing. The 72-hour punishment, hurt Chien's memory and spirit, plus continuously depriving of Chien's access to his carried documents, which caused Chien impossible to write and submit objection to the Bankruptcy Court before 5/20/2013. Then Clark and Vogel successfully finished the embezzlement of CBI, to submit the cash to Chairman, Treasury Gary D. LeClair ("LeClair") and to report CEO David C Freinberg ("Freinberg").

LeClair and Freinberg approved and satisfied what Clark and Vogel did. This act was RICO, and objective of justice, by violating: both “18USC §1513 Retaliating “, and “18USC §1512 Tampering with a witness, victim, or an informant”.

22. Grogan’s order dated 03/02/2013, was to force Chien to embezzle the cash or assets of corporations such as CHBM, and USChina Venture III, USChna Venture I and USChina Venture II etc., to pay Chien’s personal debt, which was acts of RICO with bank fraud.

23. For the purpose to overcome Chien’s rejection, Mr. Clark ghostwrote a secret order dated 02/18/2014 under Grogan’s facsimile signature, entitled “Order Directing Delivery of Securities Pursuant to VA Code “§8.01-507” to order Island Stock Transfer (“Island”), Florida, issuing a stock certificate of CHBM to Freer replacing Chien without any payment, with term not to serve Chien until it completed.

24. Island didn’t do it immediately, but promised to do it just for one of CHBM with condition that Grogan will deliver the original of Chien’s (Note: Island is not the agency for other companies, USChina Venture III’s cash avoided the money laundering, and USChina Venture I and USChina Venture II, had no stock certificates).

25. Then James R Byrne (“Byrne”) filed Motion, and attended conference calls in CT Local Court dated 6/17/2014 and 6/30/2014 respectively with Grogan together, to deceive CT Local Court to ship properties from CT to Grogan office of VA.

26. Mr. Clark didn’t have CT attorney license, but he made malpractice of law in CT. On 6/17/2014, he sent Chien a letter with his draft of the asked order of CT Local Court with threat and enforce words to Ms. Fu, Chien’s ex-wife, for shipping all assets including non-parties and Chien’s exempted items located in Chien’s CT office without a list and sort out.

27. On 09/03/2014, CT Local Court issued order to turnover Chien’s personal property, personal computer, and “any other non-exempted personal property having a value in excess of

\$250 for a “camera hearing”. But Byrne, Michael G Caldwell (“Caldwell”) with Mr. Clark abused to ship everything without sort and list to VA by threat. Due to filing of opposite parties, the shipped materials occupied 8 bankers of boxes. After all items arrived to VA, Chien wasn’t noticed, no way for having a chance of a camera hearing or give some value to every item.

***Grogan didn’t obtain the warranty of Chesterfield County Circuit Court to open the boxes for search, which violated Amend IV.*** Further, Grogan with Freer, Mr. Clark and LeClairRyan secretly separated, transferred, and occupied these items.

28. Grogan obtained Chien’s original stock certificate of CHBM, which clearly showed the authorization of issuing stock certificate for public company must have ***Medallion two officer signatures*** and a corporation seal. But he still ignored the authority of CHBM by issuing another letter to Island asking to make false CHBM stock certificate for Freer. Therefore, Grogan with Freer, Mr. Clark, in conspiracy with Island intended to unauthorize using signatures of both Chien and Mr. Li plus the CHBM seal, which is forged defined by “18USC§513(c)(2)”.

29. After Freer obtaining CHBM stock certificate on 09/26/2014, he never informed the corporation of CHBM, where Secretary Mr. Li is responsible to handle the shareholder meeting, and didn’t make Proxy filing to the Securities Exchange Commission (“SEC”) for change control. But he, under consultant of Mr. Clark, fabricated the documents of a shareholder meeting for the purpose to claim him as an elected President of CHBM to replace Chien. In the process, Freer listed Mr. Clark as his CHBM counsel, and further used the name of Vincent McNelley (“McNelley”), as inspector of election, to publish false election report and false meeting minutes for the court to oppose Chien.

30. Freer without notice to any shareholder, claimed to move CHBM from CT to VA at 203 Twin Ridge Lane, Richmond, VA 23235, and opened a bank account in Wells Fargo, 1701 North

Parham Road, Richmond, VA 23229, then under false identity of President of CHBM to defraud ,18USC§1344(1), People's United Bank, 265 Church Street, New Haven, CT 06510 on Nov. 26, 2014, to steal all cash of \$73,430 without any notice to Chien who is trustee of that account. This is money laundering, and transfer of unlawful money, offenses of "18USC §1956 & 1957", as well as offense of VA Code "§18.2-186 (B)", at false statement to obtain property.

31. After Chien knew the money laundering with bank fraud, Chien filed counterclaims in several courts, allege their acts as grand-larceny. Later, on *12/18/2014, Freer and Mr. Clark arrived at the jail to threaten Chien verbally that Chien would stay in jail for lifetime if Chien didn't sign any confession.* Chien rejected.

32. After Chien filed motion against the money laundering, CT Local Court had a hearing on 04/24/2015, Chien attended in the headquarter of LeClairRyan at telephone, and obtained a copy of Grogan's order dated 19/31/2014, in which Grogan claimed that he ordered Freer to take all cash of CHBM. Later in the time sheet of LeClairRyan, it showed that order was written by Mr. Clark on 04/22/2015, reviewed by Byrne, but tampering the date of 10/31/2014, offense of justice under "18USC 1503".

#### Part 5. Other Interruptions of the Operations of CT Courts

33. Chien filed personal bankruptcy and adversary against Freer's claim, under both cases 13-31389 and 13-03037, in US Bankruptcy Court of CT from 7/19/13 to 12/12/13. The acceptance of Bankruptcy application automatically created "Order for Relief" (11USC §301 (b), 302(a)), and "the filing of a petition 'operates as a stay', applicable to all entities, 11USC§362(a) But Grogan and attorneys of LeClairRyan still detained Chien in VA.

34. After Freer, Mr. Clark, Byrne and Grogan and others, obtained cash of CHBM and other properties of non-parties, they still held Chien in VA to interrupt CT Courts' operation. Mr.

Clark in his office, made Grogan's 8/31/2015 incarceration order by using Grogan's facsimile signature, and delayed one week for distribution on 9/7/2015 by first-class mail. Mr. Clark took the job of both Judge and Clerk. It didn't have motion procedure. Mr. Clark replacing Grogan, ordered:

ORDERED that Mr. Chien shall remain in the custody of the Chesterfield County Sheriff's Department and *incarcerated* at the Riverside Regional Jail *until Mr. Chien and/or Ms. Fu comply with Connecticut Court's decisions/ rulings* ordering the computers and any other property to be turned over, ...

ORDERED that Mr. Chien shall remain in the custody of the Chesterfield County Sheriff's Department and *incarcerated* at the Riverside Regional Jail *during the duration of any appeal* of the Connecticut Court's decisions/ rulings ....

ORDERED that upon *my receipt of any further decision(s) and/or rulings by any Connecticut state court relating to the Connecticut Court's decisions/rulings* ordering the computers and any other property to be turned over by Mr. Chien and/or Ms. Fu, I will promptly review such decision(s) and/or rulings to determine if any further action should be taken with regards to Mr. *Chien's remedial incarceration...*" (emphases added)

Among the three orders, first one was to punish Chien to force another witness in CT to yield; second one was to punish Chien for the appeal in CT; third one was to hold Chien in VA to force CT court to give Freer a favor ruling. The language is so clear to hold Chien in VA, was for retaliation by preventing Chien from enjoying equal legal protection of CT Courts.

#### Part 6. Court Fraud- Perjury Statements, Falsified Documents Everywhere

35. There are consistently falsified or perjured statements in various courts of LeClairRyan lawyers with Freer.

One was regarding Freer under oath of penalty in the Bankruptcy Court, filed "Summary of Schedules" on 02/03/2011, and fabricated his pre-petition unpaid compensation for \$158,519, in which it included fabricated unpaid cash of \$97,582, under an exaggerated 2010 salary of \$222,097, and unpaid stock option of \$52,500. On 05/04/2011, CBI published 2010 Audited

Financial Statement in Form 10-K, in which the auditors found that Freer's 2010 salary of \$124,515, fully paid, and Freer's stock option of \$52,500 still available, but his exercises prices of the options ranged from \$3.30 to \$6.00/share, while the market price of CBI's stock, was \$0.02 /share. Obviously, the stock option became valueless automatically with no liability from CBI. Chien raised doubt about Freer's 2010 salary claim on CBI's 341 meeting, which was one of major "evidence" as defaming Freer in Case CL.12-485

36. In case CL.12-485, there was damage hearing on 7/30/2012. Clark first submitted documents to identify Freer's CBI salary in 2010 was \$124,515, and fully paid.

Exh. 17. Freer's CBI compensation table from year 2003 to 2011 (not to July 15, 2012) with record that Freer's compensation in 2010 was \$124,515 only, fully paid.

Exh. 20. CBI 10-K for year 2011 which reported Freer in 2010 had compensation of \$124,515 fully paid.

Due to Exhibits 17 & 20, the defamation accuse was hard to stand. Then Clark for over 10 hours of legal time, began to add another compensation table Exh, 27 to fabricate Freer's 2010 salary

Exh. 27. Freer's CBI compensation table for year 2003 to July 15, 2012 with record that Freer's compensation in 2010 was \$222,096.70 with unpaid of \$97,581.70.

On the damage trial, Exh. 27 was projected onto the big screen to demonstrate Chien's defaming, while Clark never mentioned Exh. 17, and Exh. 20 of audited financial statement.

37. Later, Chien's appeal to VA Supreme Court, Recording No. 131044, Clark for Freer submitted same chart of Exh. 27 as only evidence to win the appeal by claiming Freer with 2010 higher salary as evidence as "a successful businessman". Following was cited from "Opposition to Petition's Motion to Disqualify" filed on December 20, 2013 by Clark and other lawyers:

"The evidence clearly was relevant. The table shows that Dr. Freer was a **successful businessman earning around \$200,000 a year** (EX.1). Chien defamed Dr. Freer with allegations that Dr. Freer breached his fiduciary duties to CBI and misappropriated its property (Comp. ¶38-51)....., the **table of Dr. Freer's compensation was evidence**.....

***relating to Dr. Freer's damages.*** Dr. Freer accurately related the history of his case” (emphases added).

Exh. 27 also filed in this court on 12/26/2013 in Case 3:12CV00540 to oppose Chien's appeal.

In CT, both Madry in Case 3:12CV01378, and Byrne in NNH-CV12-4053717-S, denied Chien's claim that Freer indeed submitted false compensation claims in Chapter 11 of CBI.

All these filings of lawyers of LeClairRyan offended “18USC 1503” of obstructive justice.

38. LeClairRyan team in Chien appeal cases, such as VA Supreme Court under Recording Number 131044 etc., and Court of Appeals of VA under Recording No. 1177-14-2, submitted filing to claim Grogan's orders not the orders of Chesterfield Circuit Court, therefore the VA Supreme Court or Court of Appeals of VA didn't have subject-matter jurisdiction, However, in CT Local Court, this Court and 4<sup>th</sup> Circuit, and Bankruptcy Court of CT, District Court of CT, they claimed Grogan's orders were orders of Chesterfield Circuit Court. This dishonest, and perjury fraud as defined in “§ 18.2-435. Giving conflicting testimony on testimony on separate occasions as to same matter;” had one purpose to illegally incarcerate Chien as long as possible. All of the above-mentioned court filings should be alleged as mail fraud and wire fraud for conspiracy of false imprisonment.

#### Part 7. Money Laundering in CBI Chapter 11 under Private Lawyers Certifications

39. As above mentioned, Chien suffered 72 hours of solitary incarceration because Hon. Huennekens of the Bankruptcy Court would have halted the Freer personal legal fee payment if he had timely received Chien's written objection, not verbally objection. But Chien was impossible to deliver the written objection due to brutalize police treatment. Then, the bankruptcy court approved CBI paid LeClairRyan the private legal fee of Freer, due to Mr. Clark's certification of the fee, which still was money laundering of LeClairRyan from one of the client CBI to enrich both himself and another client Freer. Because the fraud not disclosed the

embezzlement nature in later filed CBI financial statements, offense of “18USC§1956 (a)(1)(B)(ii)”.

40. Despite that Freer completed the embezzlement in Chapter 11 by depressing Chien’s whistle-blowers through defamation lawsuit against Chien, Freer still engaged money laundering with fraud not disclosed in CBI financial statements, “18USC§1956 (a)(1)(B)(ii)” as well as objective of justice to initiate the defamation lawsuit against Chien, violating “18USC§1503”.

#### Part 8. Conspired to Make False Corporation Identity Consistently till Today

41. After Chien released on 06/27/2016, Chien became to submit the missed many required documents of CHBM as a public traded company.

Chien for CHBM, submitted all missed and current year 2020’s tax forms to IRS.

CHBM on 7/11/2016, filed 8-K on Edgar of SEC to announce the shareholder meeting results of 7/10/2016, with 100% voted shares to elect Chien as president, and to reject Freer becoming a controlled shareholder.

In the court cases filing, nine shareholders under oaths, verified that they didn’t elect Freer, and didn’t receive any cash dividend as liquidation as claimed by Freer when he stole cash with bank fraud, and they wanted their stock certificates back. In October of 2016, Chien completed all missed 10-K and 10-Q until 3<sup>rd</sup> quarter of 2016. But due to interruption of Freer with employees of SEC, Chien was prohibited to make CHBM filing from 2017 till today.

42. As a public company, the officer information is also regulated on the state where the company registered. Although, Freer on 11/18/2014 and 12/30/2014, took advantage of Chien’s incarceration to fill CHBM Officer Forms on website of Nevada to claim him as only officer for year 2014 and 2015 respectively. But after Chien released, Nevada State Secretary corrected these wrong forms. Then on 12/15/2016, Freer filed another form on website to dissolve CHBM,

which correct by Nevada again.

43. Chien's actions shocked Freer and his conspirators of attorneys of LeClairRyan. Under instruction of LeClair and Clark, Freer on 12/01/2016, registered a company in VA using the same name of China Bull Management Inc, and listed him one person for all positions.

44. Chien controlled CHBM from Nevada registration moved to Wyoming on 01/01/2017. For distinguishing purposes, the CHBM with current Wyoming registration marked as Chien-Li Company, the CHBM with the registration in VA marked as Freer-Company. The two companies have following difference:

(1) Chien-Li Company was original Nevada resident until December 31, 2016, then moved to Wyoming till today; while Freer-Company has been VA resident.

(2) Chien-Li Company established on 12/17/2010 having over 10 years history, under good standing, while Freer-Company established on 12/01/2016, and terminated in April of 2019, then restated on 10/10/2019, and currently in bad standing, classified as "pending inactive company" by VA State because Freer didn't file annual report and not pay the annual registration fee.

(3) Chien-Li Company consistently has two officers, Chien as President and Mr. Li. as Secretary, to manage shareholder meeting or issue the stock certificates following Medallion Guarantee Program while Freer had himself as the only officer.

(4) Chien-Li Company has dozens of shareholders because nine-shareholders made public notary documents, to approve that they rejected Freer as controlled shareholder, while Freer-Company never can submit any documents to show Freer-Company has second shareholder in additional to Freer himself.

The evidence is simple because shareholders are living persons who joined the company's activities. The shareholders of Chien-Li Company contributed their money to buy shares on their

trust of Chien and Li, and they joined the shareholder meetings in 2013 and 2016 respectively to elect Chien as Director, and they rejected Freer as the controlled shareholder in 2016 shareholder meeting because Freer stole the corporation cash, and made their shares to lose value.

(5) For federal tax purpose, Chien-Li Company, like other SEC registration and public listed companies, adopted C-type corporation, having history to pay IRS corporation tax or timely filed tax form while Freer-Company is VA S-type corporation. For VA S-type corporation, federal tax was filled on IRS form 2553, (the income of an S corporation generally is taxed to shareholders of the corporation rather than to the corporation itself). The shareholders limited to 100, must be US resident, can't be shareholders of other corporations, LLCs, and partnerships.

This country has over 200 years stock market history, never having a public company with S-type corporation structure, because of both the limitation of the number of shareholders, and investors having no way to make public trading of its shares.

45. In cheating and conspiracy with an employee of SEC, Freer in December of 2017, obtained the Edgar Code of CHBM to replace Chien making SEC filings (details in Case 1:19cv3101 Chien v. Morris et al. (CKK) District Court for the District of Columbia.)

Freer on 2/15/2018, used false identity to make following 8-K filings:

**"After *months of discussion with the SEC*, EDGAR filing access for China Bull Management, Inc. (CHBM) (the "company") has been returned to the company. In the interim, *several unauthorized filings* have been posted. The market is hereby noticed that those filings, posted *between July, 2016 and December, 2016*, are not accurate and should not be relied upon when making decisions about the company. The company is working to bring filings current as soon as possible.**

**SIGNATURES:**

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

Date: February 15, 2018      China Bull Management, Inc.

By: /s/ Richard J. Freer, Ph.D.

Name: Richard J. Freer, Ph.D.  
Title: ***President and Chief  
Executive Officer***” (emphases added)

46. After the 8-K filing, Freer never made additional filings such as the financial statements for the annual 10-K or quarterly 10-Q, as specified in Section 15(d) of the Exchange Act of 1934. Freer even didn’t file any document to verify his story that he had shareholder meeting to elect him as director.

47. Due to Freer’s interruption of SEC registration and reporting, on 9/25/2018, ticker of CHBM was revoked. All shares of about 40 shareholders lost their value, which has significant damage to Chien’s job performance and reputation. Chien has liabilities to shareholders because in the early subscription agreement of the sale of the shares, Chien had guarantee that the costs of the shareholders will be refunded if the shares not going publicly traded.

48. LeClair and Clark violated “18USC§1028 (a)(7)” because they aid and abet Freer to make such falsified corporation identity, which is also a conspiracy to default U.S,”18USC §371”, and the violations are current due to the conspiracy theory that conspirators are liable toward the ends of the conspiracy, Rule 801(d)(2)(E) of the Federal Rules of Evidence. The goal of conspiracy for retaliation Chien under 18USC 1513(e), and making a false corporation identity to conceal their bank fraud of stealing cash of CHBM, not completed yet.

#### Part 9. Case 3:13cv540 Chien vs. Freer, CBI

49. On 04/07/2021, Chien under this case, submitted Motion and “Memorandum in Support of Motion for Relief from Order Dated 08/15/2014 Pursuant to Rule 60(d)(1) & (d)(3)” (ECF No. 53, Case 3:13cv540) to detail the court fraud.

50. After Chien suffered the first illegal arrest dated 02/28/2013, and incarceration for 2 days, Chien on 4/26/2013, filed Complaint in the bankruptcy court against Freer and CBI for

several issues:

(a) Chien detailed Freer's evidence of embezzlement during CBI's chapter 11 with request of the injunction relief to halt CBI paying Freer's claim of \$310,000.

(b) Chien detailed the judicial misconduct in Chesterfield County Circuit Court under Case CL12-485 by Freer and his attorneys with fact that the lawsuit was the retaliation of both the disclosure of Freer's embezzlement in CBI Chapter 11, and the legal shareholder meeting of CBI in March of 2013 to dispose Freer as director, in which Chien was the manager.

Chien properly cited "28USC§1334" as the jurisdiction to counter claim of Freer's fraud in Chesterfield County Circuit Court

(c) the VA debt collection committed venue selection error without jurisdiction, and illegal incarceration invading Chien's civil right to destroy Chien's life. Especially, after Chien's second arrest on 05/08/2013 and illegally incarcerated for over 8 months, Chien on 02/14/2014, by hand-writing, filed Petition for Writ of Habeas Corpus as well as Memorandum for Bond Hearing, in which Chien detailed that to change control of "China Bull Management Inc" ("CHBM") must have filings to SEC, and hold shareholder meeting to get majority of non-affiliated shareholders to approval, therefore the incarceration orders for Chien's restricted control shares of CHBM, violated federal securities laws.

51. In that case, Chien fully represented himself under his qualification as a victim of Freer and CBI due to that Chien was "a shareholder and an Edgar file agency of CBI, and a previous trustee, and current owner of Fornova Note."

52. However, Hon. Hudson issued 08/15/2014, the Memorandum Opinion to deny all Chien's claim including Writ Habeas Corpus, with conclusion only Forniva can initiate this case:

"...Chien filed the Complaint on his own behalf, as the purported owner of a Fornova Note. However, nothing in the case has changed that could possibly affect the court's

previous finding that Chien is unable to appear or file pleadings on behalf of Fornova. Chien is not and cannot become a “real party in interest” to proceed on behalf of a corporate entity. Accordingly, as the Bankruptcy Court appropriately held, Chien lacks standing to pursue the action on behalf of Fornova” (3<sup>rd</sup> paragraph. p.5, *id*)

Wrongly using representation as an excuse to bias Chien and prevent Chien from access to this Court to claim the tort of defendants, is the court fraud to violate due process of Amend XIV for legally fairness or equal protection of the law.

53. Rule 17(a)(1) of Fed R Civ Proc., specified “[a]n action must be prosecuted in the name of the real party in interest”. Chien suffered risk of personal liberty with no interests of Fornova-a corporation, no issue of Writ of Habeas Corpus. Hon. Hudson’s order violated Rule 17(a)(1).

54. After delay for six months, Hon. Hudson ordered to deny the petition of Writ of Habeas Corpus, which was prejudice. First, the incarceration without VA Government involved, was acts of RICO. Secondly, this court has the subject and personal matter jurisdiction, because Writ of Habeas Corpus, granted by “28USC §2241 (c) (3)” for “in custody in violation of the Constitution”, and paying \$5 under “28USC §1914(a)”, should be treated independently to list the defendant as the superintendent of the jail, because "for habeas petitions challenging present physical confinement, jurisdiction lies only in one district: the district of confinement." *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2002).

Part 10. Case. 3:19CV 235, Chien v. Timothy J. Hauler et al

55. Hon. Donald W Lemons (“Hon. Lemons”) as Chief-Justice of VA Supreme Court has administrative liability for training Judges, Clerks and Sheriffs and monitoring the operation of the Circuit Court in additional to his responsibility to deal with cases in the VA Supreme Court. He had well known Chien’s cases due to many appeals during Chien’s incarceration such as Recording No. 131044, 140842, 151104, 151219, 151316, 152307, 1523207, 160254. Despite of the denial of these appeal cases, Hon. Lemons has the responsibility to consider and correct the

wrong procedure of the Chesterfield County Circuit Court in prisoning Chien for 38 months. But he did nothing. On the contrary, he issued orders to affirm the illegal incarceration.

56. Recording No. 1523207 was regarding the illegal incarceration, which used twice. First time was dated on 12/15/2015 tied with Recording No. 151219 Chien vs Commonwealth of VA et al., to deny Chien's Writ of Habeas Corpus. Second time dated 06/03/2016, tied with Recording No. 160254 Chien v. Grogan et. al., for Writ for Mandamus. The reason for denial was that Grogan orders not the official. Hon. Lemons also denied to assign Chien an attorney because Chien's incarceration was civil case.

57. In 2013, Hon. Lemons denied to release Chien after Chien filed personal bankruptcy in CT, in which Hon. Lemons committed the subject error.

58. Hon. Lemons created VA case law for indefinitely incarceration under the civil dispute, which violated Amend IV, V and XIV of the constitution, and "42USC§1983" of civil right.

59. "No one should be above the law", is the great principle of the constitution. Especially to create a case law with destruction of VA Standard criminal procedure, is a serious judicial misconduct which hurt Chien's liberty for so long time, deserved to be attacked under allegation of human right violation.

60. Hon. Hudson made orders dated 03/11/2021 and 5/19/2020 respectively to claim this court doesn't have jurisdiction over Chien's human right and civil right violation.

Part 11. 3:19cv 814- Chien v LeClair et al.

61. LeClairRyan dissolved on 8/8/2019 and filed Chapter 11 on 09/03/2019, converted into Chapter 7 on 10/4/2019 under claim of no assets.

LeCLairRyan as a professional corporation, under S stock ownership, with wide practices such as Business & Corporate Services; Financial Services; Healthcare Intellectual Property;

Real Estate; Private Client Services; Regulatory; Technology; Labor, Employee Relations & Human Resources; LeClairRyan Legal Solutions Center; and Litigation. Therefore, litigation just a portion of the business.

In Chien's cases, LeClair and Mr. Clark instructed and aided Freer to build Free-Company in conspiracy to replace Chien-Li Company for corporation identity fraud till today.

Chien mentioned 12 lawyers of LeClairRyan in Case 3:19cv814, were salary paid employees, not partnership. Every lawsuit either initiated as plaintiff of its clients or itself, or responded as defendant for its' clients or itself, will be determined or assigned by the litigation department. All the embezzlements from CBI and CHBM were revenue of LeClairRyan, directly controlled by LeClair who was founder, director, Chairman, biggest shareholder and treasury.

LeClairRyan had annual performance evaluation of every employee. Therefore, the six defendants in Case 3:19cv 814, were well known, or directly involvement of the conspiracy of RICO with bank fraud, including the obstruction of justice and to override the authority of Hon. Rockwell by abused police force to illegally incarcerate Chien through conspiracy of VA debt collection.

62. Despite that in First Amendment of Complaint (ECF No.58-1, Case 3:19cv 814), Chien listed two case laws *Adickes v. SH Kress & Co.*, 398 US 144, 152 (1970) and *Lugar v. Edmondson Oil Co.*, 457 US 922, 941-942 (1982), in which US Supreme Court affirmed the private party's liability in conspiracy with state officers in illegal deprivation of innocent party's liberty or property, Hon. Hudson still ordered on 03/11/2021 (ECF. No.65, id) to confirm the previous order dated 05/19/2020 (ECF. No.52, id) that defendants not liable for Chien's illegally incarceration as Hon. Hudson ordered "any alleged violations of the Equal Protection Clause of the Fourteenth Amendment would fail as Defendants are private individuals" (note 3, bottom of

p.6, id) by omitted Chien's allegations of due process, conspiracy and overriding authority of the judge. Due to the wrong summary judgment without discovery, all inside communication of Chien's cases are still secret.

63. After LeClairRyan dissolved, the stolen assets occupied by LeClairRyan, such as the stock certificate of Freer's, CHBM's laptop computer and other assets, were distributed to the individuals of LeClairRyan. In Chien's cases, anyone who kept the stolen assets, is acts of RICO due to interruption of interstate commerce. But Hon Hudson denied the allegations.

#### Part 12. Case 3:19cv135

64. Case 3:19cv135, initiated on 02/27/2019, which has six defendants LeClairRyan, Freer, Clark, Grogan, Byrne, and Caldwell. On 09/24/2019. Hon. Hudson issued order to staying proceeding waiting for results of LeClairRyan filed bankruptcy.

Later, Chien attended LeClairRyan's bankruptcy, and found LeClairRyan dissolved on 08/08/2019 and filed Chapter 11 on 09/03/2019, converted into Chapter 7 on 10/4/2019 under claim of no assets.

65. On 11/25/2019, Chien filed "motion to lift stay" and Amendment of Complaint to remove LeClairRyan as defendant. But so far, over 15 months past, that case still is staying because of LeClairRyan not completed the liquidation. This significantly abused the operation standard of the litigation. First, defendants Freer, Grogan and others have no relation with the bankruptcy of LeClairRyan. Secondly, the judge doesn't have authority to stay that case due to a non-party's bankruptcy. Justice delayed is justice denied. Justice delay caused the difficulty to discovery for example, Byrne, and Caldwell haven't disclosed their new locations to this court, and the old documents of LeClairRyan will be easy to loss or deteriorated because of lacking money for administration. Also, improper delay is easily for defendants to abuse the time-bar in discovery

of new fraud, which causes Chien's lost property and reputation can't be compensated in a reasonable time period. Hon. Hudson abused the case stay to bias Chien.

## V. Standard and Argument

### Part 1. Protecting Innocent Liberty is the Fundamental Function of Federal Judge

66. Amend IV specified the authority, Amend V and XIV specified the due process of depriving the citizen's liberty and property. This is the fundamental function which any federal judge must execute. Writ of Habeas Corpus, granted by "28USC §2241 (c) (3)" for "in custody in violation of the Constitution", and paying \$5 under "28USC §1914(a)", is easy judicial process to free the innocent by private party engaging extortion, abused police force and usurping the authority of the court.

67. In case U.S. vs Lipscomb 299 F.3d 303, (2002), U.S. Court of Appeals, Fifth Circuit in the bottom note [14], cited case *Screws vs U. S.*, (1945), U.S Supreme Court: "Our national government is one of delegated powers alone. Under our federal system, ***the administration of criminal justice rests with the states*** except as Congress, acting within the scope of those delegated powers, ***has created offenses against the United States***". (emphases added)

[14] As the Court said in *United States v. Lopez*, 514 U.S. 549. 561 n. 3. 115 S.Ct. 1624, 131 LEd.2d 626 (1995): Under our federal system, the "states possess primary authority for defining and enforcing the criminal law." *Brecht v. Abrahamson*, 507 U.S. 619. 635, 113 S.Ct. 1710, 123 L.Ed.2d 353 (1993) (quoting *Engle v. Isaac*, 456 U.S. 107. 128. 102 S.Ct. 1558. 71 L.Ed.2d 783 (1982)); *see also Screws v. United States*, 325 U.S. 91. 109. 65 S.Ct. 1031, 89 L.Ed. 1495 (1945) (plurality opinion) ("Our national government is one of delegated powers alone. Under our federal system, the administration of criminal justice rests with the states except as Congress, acting within the scope of those delegated powers, has created offenses against the United States.").

68. The citizen's liberty is guaranteed by the constitution. But Hon. Hudson has not been interested for so long time to favor Chien's allegations of false imprisonment, which broke laws and his oaths, "28USC §453". Any reasonable person will find that his excuses of no

jurisdiction (Case 3:19cv235), Chien lacked of standing (Case 3:13CV540, and private party having no liability (Case 3:19cv814) are not true. Hon. Hudson in these cases didn't take his fundamental or minimum function which he should perform as a federal judge.

## Part 2. Bias and Prejudice

69. Hon. Hudson biased at Chien, because Chien is Asia-American and appearing as Pro Se, a member of the weak group of the society, and a target easily prejudiced in the litigation. Hon. Hudson has the history to prosecute an innocent with mental retarded without evidence, and not making apology after the exoneration. In Wikipedia ([en.wikipedia.org/wiki/Henry\\_E.\\_Hudson](https://en.wikipedia.org/wiki/Henry_E._Hudson)),

" He became Assistant Commonwealth's Attorney in Arlington County, Virginia from 1974 to 1979, and subsequently served as Assistant United States Attorney for the Eastern District of Virginia from 1978 to 1979. "

"During his career as a prosecutor, Hudson earned a reputation as a "hard-line and zealous crime fighter" nicknamed "Hang 'Em High Henry".<sup>[10][11]</sup> Early in his career, Hudson stated: "I live to put people in jail."<sup>[12]</sup> In what Hudson described as a "career-defining case", he prosecuted David Vazquez, a mentally retarded Arlington resident, for a 1984 rape and murder. Hudson's prosecution was based on a confession given by Vazquez after repeated interrogations, despite the fact that semen found at the crime scene did not match Vazquez.<sup>[11]</sup> Threatened by Hudson with the death penalty, Vazquez submitted an Alford plea and was sentenced to 30 years in prison.<sup>[13]</sup> However, inconsistencies in the case led detectives to continue to pursue leads, ultimately linking Timothy Wilson Spencer, a serial killer, to the murder.<sup>[11]</sup> Vazquez, who had already served 5 years in prison, was exonerated by Hudson's successor. Faced with the evidence of wrongful conviction, Hudson wrote of Vazquez in his memoirs: "I certainly wish him the best, and regret what happened. However I offer no apologies."<sup>[13]</sup>

70. The bias and prejudice at Chien has the purpose to favor defendants because except Freer, the others are private lawyers (Case 3:19cv135, 3:19cv814) or VA State top officers in judicial system (Case 3:19cv235). Hon. Hudson's past experience of employment in VA State or private law firms for long time, makes him easily to use his friendly private social environment with defendants to replace the principle of "no one should be above the law".

LeClairRyan's bankruptcy on 09/03/2019 indicated the firm's financial stretch in the operation. The operation of Law firm is to get income, therefore the money laundering through litigation with conspiracy of judge's approval or judge's set aside of the facts of the money

laundering, became the real practices in Chien's cases.

71. The purpose of LeClairRyan through Case CL.12-485 of Chesterfield County Circuit Court to suppress Chien, was to aid and abet Freer's embezzlements. Then LeClairRyan could get its own payment from Freer. Without these embezzlements, Freer's payment could fail. To put Chien in 72 hours of solitary detain, was for their own embezzlement from CBI in conspiracy with Freer.

72. In Case 3:13cv540, Chien asked Hon. Hudson to stop Freer's money laundering, in which Chien was qualified as status of a shareholder of CBI. But Hon. Hudson misidentified Chien's status to set aside of the facts of Freer's embezzlements, because Hon. Hudson knew that Chien submitted clear and convinced evidence, any judgment would had favored Chien, then forcing Freer and LeClairRyan under justice to get less money, including effectively to attack the fraud of \$1.6 million award to Freer by Chesterfield County Circuit Court. Hon. Hudson didn't want to see the justice. Then he took an excuse to reject ruling the merit of the case.

73. In case 3:19CV135, Hon. Hudson's stay order violated standard operation of the civil case, how can this case stay to wait the completion of a non-party's liquidation? His decision with consequence to favor defendants to use time delay for many-years to escape justice.

74. In case 3:19CV235, Hon. Hudson violated standard operation by not shifting the case to another judge after Chien filed Motion for Recusal 28USC§144 with Affidavit dated 03/11.2021.

The rule of 28USC§144 specially applied to District Court for the fairness. In the landmark case, *Berger v. United States*, 255 U.S. 22 (1921), the Supreme Court interpreted the statutory predecessor to §144 to require that the challenged judge accept all facts alleged in the affidavit as true, and not pass on the truth of the alleged facts. Rather, the judge's role was limited to evaluating the facial sufficiency of the affidavit for the purpose of determining whether a

reasonable person could find “fair support” for the charge that the judge was biased against the movant or in favor of another party.

75. In case 3:19CV814, Hon. Hudson violated standard operation by not shifting the case to another judge after Chien filed Motion for Recusal 28USC§144 with Affidavit dated 03/25.2021.

76. Generally, Hon. Hudson’s conduct is prejudicial to the effective and expeditious administration of the business of the courts, with favor for defendants to escape the justice.

**Part 3. Offenses of Dozens of Federal Criminal Laws Deserved Felony Penalty  
of Some Defendants in Both Case 3:19CV135 & 3:19cv814**

77. The most suitable criminal law here is to apply 18USC§3293:

"No person shall be prosecuted, tried, or punished for a violation of, or a conspiracy to violate – (1) ...; (2) Section 1341 or 1343 [mail and wire fraud], if the offense affects a financial institution; or (3) Section 1963 [(RICO) racketeer influenced and corrupt organizations], to the extent that the racketeering activity involves a violation of Section 1344 [bank fraud] – unless the indictment is returned or the information is filed within 10 years after the commission of the offense,"

**18 U.S. Code § 1344 - Bank fraud**

Whoever knowingly executes, or attempts to execute, a scheme or artifice—  
(1) to defraud a financial institution;

The defendants in both Case 3:19CV135 & 3:19cv814, stole cash of CHBM (Chien-Li Company) from People’s United Bank through making falsified Freer’s identity. Therefore, this is acts of RICO connected with bank fraud, with 10-years of prosecution permission. This time permission can cover all period under VA debt collection.

**78. 18USCode§3301 - Securities fraud offenses Security Fraud**

(a)(2) section 32(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78ff(a));

(3) section 24 of the Securities Act of 1933 (15 U.S.C. 77x);

(b) Limitation..... within 6 years after the commission of the offense.

15USC§78ff(a) Willful violations; false and misleading statements.

(b) Failure to file information, documents, or reports

Freer in conspiracy with Clark and LeClair, made false corporation identity by using Freer-

Company to replace Chien-Li Company, then to make a falsified 8-k on 2/15/2018, later never make the necessary filings for over three years, which offended "15USC§78ff", deserved penalty under "15USC§78ff(c)(2)(A)" or "15USC§77x".

79. Applying 18USC§1963 in acts of RICO.

On 07/17/2020, Chien filed First Amendment of Complaint (ECF No.58-1, Case 3:19cv814), sued the six defendants by 18USC §1962(b) &(c)&(d). The government can take action following 18USC§1963, which included to forfeiture any tangible and intangible assets obtained from acts of RICO, which should include those occupied by officers or employees of LeClairRyan when LeClairRyan dissolved on 8/8/2019. The permitted time for prosecution is 10 years because it involved the bank fraud.

80. Conspiracy charge under

"18USC§371. Conspiracy to commit offense or to defraud United States" for example, making Freer-Company replacing Chien-Li Company.

"18USC §373- Solicitation to commit a crime of violence.'. VA debt collection committed dozens of crimes which deserved under felony penalty. The persons who instructed or approved or gave help, or allowed or appreciated the VA debt collection, offended "18USC §373".

Offenses of "18USC§241 Conspiracy Against Rights" and 18USC§ 242 - Deprivation of rights under color of law', are well approved by the facts of 1148 days of illegal incarceration.

81. In the RICO conspiracy charge, the conspirator may not directly engage predicate, but having intention or administrating the acts of the violators as alleged in Case 3:19cv814

"it suffices that he adopt the goal of furthering or facilitating the criminal endeavor....It is elementary that a conspiracy may exist and be punished whether or not the substantive crime ensues, for the conspiracy is a distinct evil, dangerous to the public, and so punishable in itself...." Salinas v. United States, 522 U.S. 52, 65 (1997)

The charged period of the conspiracy can extend to the completion of the conspiracy. In Wilder

v. Barajas, Dist. Court, ND Illinois 2012 (July 23, 2012).

Although it is true that after-the-fact statements by a coconspirator can fall within Rule 801(d)(2)(E) under some circumstances, they must still be made in an attempt to further "the broad objectives" of the underlying conspiracy itself. See *United States v. Newton*, 326 F.3d 253, 259 (1st Cir. 2003); see also *United States v. Ammar*, 714 F.2d 238, 252 (3d Cir. 1983) ("Statements between the conspirators which provide reassurance, serve to maintain trust and cohesiveness among them, or inform each other of the current status of the conspiracy further the ends of the conspiracy and are admissible[.]")

Here, the conspiracy has multi goals. For example, among the retaliation offenses of both 18USC §1512 and "18USC§1513(e)", Chien's release can be considered to complete the conspiracy of retaliation under 18USC §1512; but the conspiracy of retaliation under "18USC§1513(e), has not completed till today, which including wrongly occupied Chien's professional belongings and assets of non-parties under Chien's custody, and kept the forged stock certificate, and made falsified Freer-Company.

82. Obstructions of justice under 18USA§1512 &§1513(e), were detailed in (p.37-39. ECF No.58-1, Case 3:19Cv814), here with details under 18USC§1503

(a) In the website of Department of Justice, it explained violation of 18USC§1503 is for obstruction of "the due administration of justice with endeavoring manner, even these actions not adapted by the court:

"Section 1503 also contains an omnibus clause prohibiting the obstruction of "the due administration of justice.... A party may be prosecuted under section 1503 for endeavoring to obstruct justice, *United States v. Neal*, supra; *United States v. Williams*, 874 F.2d 968, 976 (5th Cir. 1989); it is no defense that such obstruction was unsuccessful, *United States v. Edwards*, 36 F.3d 639, 645 (7th Cir. 1994);

...

Because 18 U.S.C. § 1503 applies to civil, as well as criminal judicial proceedings, *Roberts v. United States*, 239 F.2d 467, 470 (9th Cir. 1956) ...private attorneys are, arguably, also covered by the statute."

(b) In some cases, lawyers of LeClairRyan appeared as attorneys for Freer, but they committed offenses because they conspired with Freer to make falsified evidence, (for example

Freer's 2010 salary chart of CBI), or concealed fraud of themselves (such as, they manipulated the police operation for false imprisonment.) In US v. Cueto, 151 F. 3d 620, 631 - Court of Appeals, 7th Circuit 1998

"Correct application of Section 1503 thus requires, in a very real sense, that the factfinder discern — by direct evidence or from inference — the motive which led an individual to perform particular actions.... 'Intent may make any otherwise innocent act criminal, if it is a step in a plot.'" United States v. Cintolo, 818 F.2d 980, 991 (1st Cir.1987) ... lawful conduct, even acts undertaken by an attorney in the course of representing a client, can transgress §1503 if employed with the corrupt intent to accomplish that which the statute forbids.

VA Code '§18.2-435 Giving conflicting testimony on testimony on separate occasions as to same matter;" defined perjury with felony punishment, is acts of RICO.

83. Offenses of 18USC§1503 here, were extensive, included

(a) Under CBI's Chapter 11, Freer and Clark, LeClair and others to steal cash of CBI.

(b) Freer, Clark and additional former lawyers of LeClairRyan, submitted Exh.27 of Freer fabricated 2010 CBI's salary chart, under Case CL 12-485 of Chesterfield County Circuit Court, VA Supreme Court, Recording No. 131044, and Case 3:12CV00540 of this Court,

(c) During Chien's personal bankruptcy in 2013, Byrne and Ilan Markus, Grogan. Freer rejected release Chien.

(d) As mentioned in First Amendment of Complaint (p.33, ECF No.58-1, Case 3:19Cv814), the 12 lawyers in Chien's cases made dozens of Court filings to conceal their conspiracy with Grogan for false imprisonments or making false corporation identity by Freer-Company to replace Chien-Li Company, are offenses of 18USC§1503, as well as "18USC§1962(d)".

(f) The team work in LeClairRyan was centralized (p.30-31, id). Although the appearance attorneys in CT several courts, had two or three which have attorney licenses locally, but there were more attorneys behind them to join the investigation, research and preparing the CT courts'

filings with majority job done in VA with lawyers who didn't have CT attorney licenses. Since these CT filings were fraud, the undisclosed team work in making fabrication evidence in VA, offended both conspiracy and obstructed justice, 18USC§1503.

(g) As previous mentioned, the ghost-written and reviewed of Grogan's 12 incarceration and assets forfeiture orders plus 8 transportation orders are 20 times violation of "18USC §1503".

#### Part 4. Public Support of Fighting "Secrete Inmate"

84. Judicial is independent to avoid media opinion to affect the impartiality and fairness. However, Chien's cases are different, incarceration for 38 months for the black-mail, assault and money laundering and assets stolen. Chien has been victim of the white-color criminal. Chien needs the help of public options to help the government to fight white-color criminal.

LeClairRyan was a middle-sized law firm whose influence power, in Chien's cases, could mandate the operation of the criminal system, overcame any objections of Hon, Rockwell, Chief-Judge of Chesterfield County Circuit Court before 2015. Not only in VA, but also the operations of CT's state courts, and US Bankruptcy Court in CT were interrupted, could not run normal procedure. Recently, the operation of SEC and stock market are interrupted. The harmful to the society is so great and so extensive. In legal issue, Chien seems living in a dictator society, likes a slaver whose liberty and property could be arbitrated taken off. This is white-color crime format of hate against Asia-American

85. Due to long-time of no justice, Chien called people for support to attack the secret inmate in the democracy country, by filing petition of two versions in the end of July of 2020 in [www.change.org](http://www.change.org) . The first petition has link:

<http://chng.it/mxCrzpdL>

There are over 1500 supporters to sign the petition from seventeen countries: Serbia, Luxembourg, New Zealand, Albania, Finland, UK, Germany, India, Singapore, Pakistan, Philippines, Australia, Canada, Brazil, Dominican Republic, Mexico, plus most from USA

86. The second version has over 2400 supporters with link:

<http://chng.it/7qjS75mW>

The second version has over 46,000 people to read.

The court cases are independent, and should avoid from the influence of outside opinion. The petition didn't mention every detail, which determined by the Court. However, so many supporters signed Chien's petitions indicating in the world, it is well recognized that "secret inmate" for innocent citizen is crime, significantly violation of human right. To find white-color crime in VA criminal system, is the fundamental function of the court and the government.

#### VI. Relief

87. To assign a judge having experience to handle RICO, federal criminal laws containing bank fraud, and anti-judicial corruption. No party is allowed to pick the judge. However, since this case is very challenge, this court should consider the efficiency of administration of the cases. To select the judge with past experience in this area, will give help.

This Court has three divisions. Chien must file here because Hon. Hudson works here. This court can think to move this case to a different division which will enhance the independence because this case also relative to fraud of CBI case in Richmond Division of Bankruptcy Court.

88. To issue an order to US Attorney General for Eastern District of VA, Criminal Division to initiate criminal investigation for contents above mentioned.

89. If Pamela S. Karlan wants to voluntarily engage an investigation, it is great to have to equally protect Asia-American from judicial misconduct: a white-color criminal model of hate of

Asia-American.

Chien sent by certified mail in June of 2019, a criminal report to David Archey, Chief of FBI Division of Richmond, Virginia ("VA"), and didn't get any response yet.

90. Hon. Hudson transfers all Chien's cases to another judge who has records of impartiality and fairness to pro se litigant to handle judicial misconduct, or has willingness to do so.

Respectively submitted

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Certification

Andrew Chien wrote this complaint by himself, no aid from any lawyer.

Andrew Chien